

**701—79.1(428A) Real estate transfer tax: Responsibility of county recorders.**

**79.1(1) *Forms.*** County recorders shall use only forms provided by the department of revenue for the collection of real estate transfer tax and the recording and reporting of such tax collections.

**79.1(2) *Monthly reports.*** County recorders shall submit a report to the department of revenue on or before the tenth day of each month enumerating real estate transfer tax collection information for the preceding month. This report shall be submitted on forms prescribed by the department of revenue and shall contain such information as is deemed necessary by the department.

**79.1(3) *Evidence of payment.*** The recorder shall enter the tax payment amount, date of payment, and initials of the recorder or authorized employee of the recorder on the face of the instrument of conveyance presented for recording.

**79.1(4) *Recording refused.*** The county recorder shall refuse to record any deed, instrument, or writing regardless of any statement by the grantor, grantee, or their agents that the transaction is exempt pursuant to Iowa Code section 428A.2, if, in the recorder's judgment, additional facts are necessary to clarify the taxable status of the transfer or determine the full consideration paid for the property. The county recorder may request from the grantor, grantee, or their agents, any information necessary to determine the taxable status of the transfer or the full amount of consideration involved in the transaction. County recorders under no circumstance shall record any deed or instrument of conveyance for which the proper amount of real estate transfer tax has not been collected. This applies to the collection of tax in excess of the amount due for the actual amount of consideration as well as situations in which an insufficient amount of tax has been collected.

**79.1(5) *Refunds or underpayments.***

*a. Refunds.* County recorders shall not refund any overpayment of a real estate transfer tax. The grantor of the real property for which the real estate transfer tax has been overpaid shall petition the state appeal board for a refund of the overpayment amount paid to the treasurer of state. A refund of the remaining portion of the overpayment shall be petitioned from the board of supervisors of the county in which the tax was paid.

*b. Underpayments.* The county recorder shall collect any amount of tax found to be due. If the county recorder is unable to collect the tax, the director of revenue shall collect the tax in the same manner as income taxes are collected and pay the county its proportionate share.

**79.1(6) *Multiple parcels.*** If the real estate conveyance contains multiple parcels, the tax is to be paid to each county in which the property is located based on the consideration paid for each property.

This rule is intended to implement Iowa Code chapter 428A as amended by 2001 Iowa Acts, Senate File 372 and House File 736.